

# Senate File 81

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1013)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to assisting schools to recover from disaster by  
2 changing the approval method for transfers of emergency fund  
3 moneys, by modifying certain funding provisions to relate to  
4 disaster recovery, and by allowing area education agency  
5 boards greater authority to purchase and lease=purchase  
6 property.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1254SV 83  
9 ak/sc/l4

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1 1 Section 1. Section 24.6, Code 2009, is amended to read as  
1 2 follows:  
1 3 24.6 EMERGENCY FUND == LEVY.  
1 4 1. A municipality may include in the estimate required, an  
1 5 estimate for an emergency fund. A municipality may assess and  
1 6 levy a tax for the emergency fund at a rate not to exceed  
1 7 twenty-seven cents per thousand dollars of assessed value of  
1 8 taxable property of the municipality, ~~provided that, However,~~  
1 9 an emergency tax levy shall not be made until the municipality  
1 10 has first petitioned the state board and received its  
1 11 approval.

1 12 2. ~~a.~~ Transfers of moneys may be made from the emergency  
1 13 fund to any other fund of the municipality for the purpose of  
1 14 meeting deficiencies in a fund arising from any cause,  
~~1 15 provided that, However,~~ a transfer shall not be made except  
1 16 upon the written approval of the state board, and then only  
1 17 when that approval is requested by a two-thirds vote of the  
1 18 governing body of the municipality.

1 19 ~~b. Notwithstanding the requirements of paragraph "a", if~~  
1 20 ~~the municipality is a school corporation, the school~~  
1 21 ~~corporation may transfer money from the emergency fund to any~~  
1 22 ~~other fund of the school corporation for the purpose of~~  
1 23 ~~meeting deficiencies in a fund arising from any cause.~~  
1 24 ~~However, a transfer shall not be made without the written~~  
1 25 ~~approval of the school budget review committee.~~

1 26 Sec. 2. Section 256.9, Code 2009, is amended by adding the  
1 27 following new subsection:

1 28 NEW SUBSECTION. 61. Grant to public school districts and  
1 29 accredited nonpublic schools waivers from statutory  
1 30 obligations with which the entities cannot reasonably comply  
1 31 due to a disaster as defined in section 29C.2, subsection 1.

1 32 Sec. 3. Section 257.31, subsection 7, paragraph a, Code  
1 33 2009, is amended to read as follows:

1 34 a. The committee may authorize a district to spend a  
1 35 reasonable and specified amount from its unexpended cash  
2 1 balance for ~~either of~~ the following purposes:

2 2 (1) Furnishing, equipping, and contributing to the  
2 3 construction of a new building or structure for which the  
2 4 voters of the district have approved a bond issue as provided  
2 5 by law or the tax levy provided in section 298.2.

2 6 (2) The costs associated with the demolition of an unused  
2 7 school building, or the conversion of an unused school  
2 8 building for community use, in a school district involved in a  
2 9 dissolution or reorganization under chapter 275, if the costs  
2 10 are incurred within three years of the dissolution or  
2 11 reorganization.

2 12 (3) The costs associated with the demolition or repair of

2 13 a building or structure in a school district if such costs are  
2 14 necessitated by, and incurred within two years of, a disaster  
2 15 as defined in section 29C.2, subsection 1.

2 16 Sec. 4. Section 273.2, subsection 2, Code 2009, is amended  
2 17 to read as follows:

2 18 2. An area education agency established under this chapter  
2 19 is a body politic as a school corporation for the purpose of  
2 20 exercising powers granted under this chapter, and may sue and  
2 21 be sued. An area education agency may hold property and  
2 22 execute purchase and lease=purchase agreements pursuant to  
2 23 section 273.3, subsection 7, and if the ~~lease lease=purchase~~  
2 24 ~~agreement~~ exceeds ten years or the purchase price of the  
2 25 property to be acquired pursuant to a purchase or  
2 26 lease=purchase agreement exceeds twenty=five thousand dollars,  
2 27 the area education agency shall conduct a public hearing on  
2 28 the proposed purchase or lease=purchase agreement and receive  
2 29 approval from the area education agency board of directors and  
2 30 the director of the department of education before entering  
2 31 into the agreement.

2 32 Sec. 5. Section 273.3, subsection 7, Code 2009, is amended  
2 33 to read as follows:

2 34 7. Be authorized to lease, purchase, or lease=purchase,  
2 35 subject to the approval of the director of the department of  
3 1 education and to receive by gift and operate and maintain  
3 2 facilities and buildings necessary to provide authorized  
3 3 programs and services. However, a lease for less than ten  
3 4 years and with an annual cost of less than twenty=five  
3 5 thousand dollars does not require the approval of the  
3 6 director. ~~If a lease requires approval, the~~ The director  
3 7 shall not approve ~~the a lease, purchase, or lease=purchase~~  
3 8 until the director is satisfied by investigation that public  
3 9 school corporations within the area do not have suitable  
3 10 facilities available.

3 11 Sec. 6. Section 298.3, Code 2009, is amended by adding the  
3 12 following new subsection:

3 13 NEW SUBSECTION. 13. Demolition, clean up, and other costs  
3 14 if such costs are necessitated by, and incurred within two  
3 15 years of, a disaster as defined in section 29C.2, subsection  
3 16 1.

#### EXPLANATION

3 18 This bill assists school districts and accredited nonpublic  
3 19 schools to recover from a disaster as defined in Code section  
3 20 29C.2(1).

3 21 Code section 24.6(2) is amended to allow a school  
3 22 corporation to transfer funds from its emergency fund when the  
3 23 school corporation has monetary deficiencies due to any cause.  
3 24 However, the transfer must first be approved by the school  
3 25 budget review committee.

3 26 Code section 256.9(61) is amended to allow the director of  
3 27 the department of education to waive statutory obligations  
3 28 that school districts and accredited nonpublic schools cannot  
3 29 reasonably comply with due to a disaster.

3 30 Code section 257.31(7) is amended to allow the school  
3 31 budget review committee to authorize a school district to  
3 32 spend a reasonable and specified amount from its unexpended  
3 33 cash balance for the costs of demolishing or repairing a  
3 34 building or structure if such costs are necessitated by, and  
3 35 incurred within two years of, a disaster.

4 1 Code sections 273.2(2) and 273.3(7) are amended to give  
4 2 area education agencies the authorization to purchase and  
4 3 lease=purchase facilities and buildings with the approval of  
4 4 the director of the department of education.

4 5 Code section 298.3(13) is amended to permit funds from the  
4 6 physical plant and equipment levy to be used for demolition,  
4 7 clean up, and other costs necessitated by, and incurred within  
4 8 two years of, a disaster.

4 9 LSB 1254SV 83

4 10 ak/sc/14